S.B. CRIMINAL MISC. II BAIL APPLICATION NO.81/2007
(Krishan Lal Vs. State)

Date of order : 15.02.2007

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. Mridul Jain, for the applicant.
Mr. JPS Choudhary, Public Prosecutor.

I have heard learned counsel for the applicant as well as learned Public Prosecutor for the State.

The first bail application moved earlier under Section 439 Cr.P.C. was dismissed by this Court vide order dated 18.11.2005. It is contended by the learned counsel for the applicant that the applicant is behind the bars since one and half year and only one injury is alleged to have been inflicted by him though it was serious in nature but the fact remains that there was no intention to kill. Thus, it was contended that the case will not travel beyond Section 326 I.P.C. Therefore, he prayed that the applicant may be released on bail.

Learned Public Prosecutor vehemently opposed the bail application.

Taking into consideration the facts and circumstances of the case and without expressing any

opinion on the merit of the case, I think it just and proper to grant bail to the applicant.

Accordingly, the second application filed under Section 439 Cr.P.C. is allowed and it is directed that the applicant namely Krishan Lal Bavari S/o Dana Ram shall be released on bail (in FIR No.318/2005 P.S. Sangaria, District Hanumangarh) provided he executes a personal bond in the sum of Rs.20,000/- and furnishes two sound and solvent sureties in the sum of Rs.10,000/- each to the satisfaction of the learned trial court for his appearance before that Court on each and every date of hearing and whenever called upon to do so, till the completion of trial.

This order will be subject to the condition that in case any complaint is received from the complainant during the pendency of the present case with regard to assault, threat or tampering with the prosecution witnesses, it will be open to the prosecution to immediately move application for cancellation of the bail.

(GOPAL KRISHAN VYAS), J.

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